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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WILLIAM TUCKER,

Plaintiff,

vs.

BENJAMIN VALENTY,
IMAGINART PUBLISHING,
IMAGINART PUBLISHING, LLC,

Defendants.

Case No.: 11-civ-8447 (PAE)
ECF CASE

**NOTICE OF MOTION
FOR REFERENCE OF ACTION TO
BANKRUPTCY COURT; AND
FOR CHANGE OF VENUE
PURSUANT TO
28 U.S.C. § 1404(a)**

In re

IMAGINART, LLC

(United States Bankruptcy Court,
Central District of California,
Case No. 8:11-bk-26785-ES)

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT, upon the Memorandum of Points and Authorities, and upon the Declaration of Anthony N. Gaeta, Esq., filed and served concurrently herewith, and upon the papers, records and pleadings on file herein, counsel for Plaintiff, Dr. William Tucker, will move this Court, before the Hon. Paul E. Engelmayer, in Courtroom 18C of the United States Courthouse, located at 500 Pearl Street, New York, New York 10007-1312, for an order

(a) referring this action to the United States Bankruptcy Court for the Southern District of New York for further proceedings and consideration of this motion to transfer venue; and (b) transferring this action to the United States Bankruptcy Court for the Central District of California, Santa Ana Division.

This motion is made on the ground that Defendant/Debtor Imaginart, LLC filed a voluntary petition for relief in the United States Bankruptcy Court for the Central District of California, Santa Ana Division, under Chapter 11 of the United States Bankruptcy Code, which is currently pending as Case No. 8:11-bk-26785-ES ("Imaginart Bankruptcy"). In addition, Defendant/Debtor Benjamin Valenty, filed a voluntary petition for relief in the United States Bankruptcy Court for the Central District of California, Riverside Division, under Chapter 7 of the United States Bankruptcy Code, which is currently pending as Case No. 6:11-bk-47321-SC.

Because the debtors, all presently known debtor assets, and majority of creditor interests, are located in California, the interests of judicial economy, the convenience of the parties and witnesses, and the interests of justice would be served by transferring this action to the United States Bankruptcy Court for the Central District of California, Santa Ana Division, 28 U.S.C. §§ 1404(a) and 1412 and Rule 1014 of the Federal Rules of Bankruptcy Procedure, so that it may be heard in connection with the Imaginart Bankruptcy.

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ANTHONY N. GAETA, ESQ.

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Dated: February 28, 2012